

## **PART 7**

### **ADMINISTRATIVE HEARING OFFICER**

#### **14-2-701 ADMINISTRATIVE HEARING OFFICER DESIGNATED**

#### **14-2-702 DUTIES AND POWERS**

#### **14-2-703 PROCEDURE**

#### **14-2-704 APPEALS FROM THE ADMINISTRATIVE HEARING OFFICER**

#### **14-2-701 ADMINISTRATIVE HEARING OFFICER DESIGNATED**

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, the Mayor, with consent of the City Council, herewith designates and appoints the Planning Director of Bountiful City as the Administrative Hearing Officer to decide routine and uncontested matters before the Board of Adjustment related to this Ordinance.

#### **14-2-702 DUTIES AND POWERS**

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, the Board of Adjustment shall review and authorize those routine and uncontested matters which the Administrative Hearing Officer shall hear. The Board of Adjustment shall make such review and authorization at the first meeting in January of each year.

#### **14-2-703 PROCEDURE**

In accordance with Section 10-9-705, Utah Code Annotated, 1953, as amended, and with concurrence of the Board of Adjustment, the following procedure is established for hearings before the Administrative Hearing Officer:

- A. The Administrative Hearing Officer, upon receipt of any application for a variance, shall review said application to verify if it requires a hearing before the Board of Adjustment or will qualify for an administrative hearing.
- B. If the application qualifies for an administrative hearing, the Administrative Hearing Officer shall notify the Chairman of the Board of Adjustment for concurrence that said application may be heard by the Administrative Hearing Officer.
- C. Upon the concurrence of the Chairman of the Board of Adjustment, the Administrative Hearing Officer shall schedule a hearing with the applicant.
- D. A notice to all property owners within five hundred (500) feet shall be sent indicating the nature of the variance request. All property owners shall be invited to submit any objections in writing within ten (10) days of the date of said notice. If any objections are received, the administrative hearing shall be cancelled and the application sent to the Board of Adjustment for a full hearing. If no objections are received, the administrative

hearing shall be held.

E. At the administrative hearing the following process shall be followed:

1. The Administrative Hearing Officer shall allow the applicant sufficient time to present their request.
2. The Administrative Hearing Officer shall ask any and all pertinent and necessary questions to answer the required findings in Section 14-2-608 of this Ordinance.
3. Upon receiving all information, the Administrative Hearing Officer may grant the variance, grant the variance with conditions, or deny the variance.

#### **14-2-705 APPEALS FROM THE ADMINISTRATIVE HEARING OFFICER**

Any person directly aggrieved by any decision of the Administrative Hearing Officer may appeal such decision to the Board of Adjustment within fifteen (15) days of the date of such decision. A Notice of Appeal shall be filed with Administrative Hearing Officer specifying the grounds of the appeal and circumstances related thereto. The Administrative Hearing Officer shall transmit to the Board of Adjustment all papers constituting the record upon which the action appealed was taken.